

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV44-1-MU

JOHN R. ALLEN,)
)
Plaintiff,)
)
v.) O R D E R
)
JIMMY HATLEY, et al.,)
)
Defendants.)
)

THIS MATTER comes before the Court upon its own motion.

On or about November 9, 2005, the Court mailed Plaintiff a copy of a November 8, 2005, Order. On or about December 1, 2005, the Order was returned to the Court as undeliverable. It is a Plaintiff's duty to keep the Court informed of his whereabouts. Plaintiff has failed to do so. Consequently, this Court will dismiss Plaintiff's Complaint without prejudice.

IT IS THEREFORE ORDERED THAT Plaintiff's Complaint pursuant to 42 U.S.C.

§ 1983 is **DISMISSED** without prejudice.

Signed: December 19, 2005



Graham C. Mullen
Chief United States District Judge

